

FAMILY DENTAL PLAN (FDP) and HEALTH CLINICS OF UTAH (HCU)

Notice of Privacy Practices Effective September 2013

This Notice describes how medical and health information about you or your child may be used and disclosed and how you can get access to the information. Please review it carefully.

PRIVACY PROMISE

FDP/HCU understands that your medical and health information is personal. Protecting your health information is important. We follow strict federal and state laws that require us to maintain the confidentiality of your health information. We use your health information (and allow others to access it) only as permitted by federal and state laws. These laws give you certain rights regarding your health information.

HOW WE USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION

When you receive care from FDP/HCU, we may use your health information for treating you, billing for services, and conducting our normal business known as health care operations. Examples of how we use your child's information include:

1. **For Treatment** - We keep records of the care and services provided to you. Health care providers use these records to deliver and coordinate quality care to meet your needs. For example, your doctor may share your health information with a specialist who will assist you in your treatment. Some health records, including confidential communications with mental health professionals, substance abuse treatment records, and genetic test results, may have additional restrictions for use and disclosure under state and federal laws.
2. **For Payment** - We keep billing records that include payment information and documentation of the services provided to you. Your information may be used to verify Medicaid or State Children's Health Insurance Program coverage through an inquiry to the State eligibility database, or to obtain payment from you, your insurance company, or another third party. We may also contact your insurance company to verify coverage for your care or to notify them of upcoming services that may need prior notice or approval. For example, we may disclose information about the services provided to you to claim and obtain payment from your insurance company.
3. **For Health Care Operations** - We use health information to improve the quality of care, train staff and medical students, provide customer service, arrange costs, conduct required business duties, and make plans to better serve our communities. For example, we may use your health information to evaluate the quality of treatment and services provided by our physicians, nurses, and other health care workers.

OTHER USES OF YOUR HEALTH INFORMATION

We may also use your health information to recommend treatment choices and tell you about services, community resources and family support that may benefit you. We may remind you of an appointment and share information with third parties who assist us with treatment, payment, and health care operations.

YOUR INDIVIDUAL RIGHTS

You have the following rights:

- **Right to Receive a Copy of this Notice.** Upon request, you have the right to receive a paper copy of this Notice. Copies are available at any time, at any of our FDP or HCU clinics, or at our web site, health.utah.gov/clinics.

- **Right to Inform Us of How to Best Communicate with You.** You can specify how we can best communicate with you using information such as a phone number, address or e-mail. You can decide if you do not want us to remind you of your upcoming appointments. When you make the appointment, let the scheduling staff know if you do not want these reminders. The staff will assist you in completing a written request.
- **Right to Inspect and Copy Your Health Information.** Upon written request, you have the right to access and obtain a copy of your health information maintained by us. Please contact the FDP or HCU Privacy Officer (FDP: 801-273-6642; HCU: 801-626-3671) to request the information you need to access. In person: You will need to fill out a request form and present a picture ID. Our staff can assist you with completing this form. By mail or FAX: You will need to request and complete a request form and submit a copy of your picture ID.
- **Right to Amend Your Health Information.** You have the right to request, in writing, that we amend health information maintained in your health record. We will comply with your request in the event that we determine the information that would be amended is false, inaccurate or misleading. Please contact our Privacy Officer (FDP: 801-273-6642; HCU: 801-626-3671), who can review the request and help you contact the correct provider being requested to amend the health information.
- **Right to Request Additional Restrictions on Uses and Disclosures of Your Health Information.** You have the right to request in writing that we place additional restrictions on how we use or disclosure your personal health information. We will consider all requests for special restrictions carefully and implement those required by law and carefully consider other requests. We may not always be able to grant some requests. We are not required to agree to any restriction except where you have paid for the health care service in full. Please contact our Privacy Officer (FDP: 801-273-6642; HCU: 801-626-3671), who will help you complete a request form to request additional restrictions on how we may use and disclose your personal health. We will notify you in writing when a request cannot be granted.
- **Right to Request an Accounting of Disclosures.** You have a right to request in writing an accounting of certain disclosures made by us of your personal health information. For each disclosure, the accounting will include the date the information was disclosed, to whom, the address of the person or entity that received the disclosure (if known), and a brief statement of the reason for the disclosure. Please contact our Privacy Officer (FDP: 801-273-6642; HCU: 801-626-3671) for information you need to request an accounting of disclosures.

OUR PRIVACY RESPONSIBILITIES

FDP/HCU is required by law to:

- Maintain the privacy of your health information.
- Provide this notice that describes the ways we may use and share your health information.
- Notify you if your health information was affected by a breach.
- Follow the terms of the notice currently in effect.

You may revoke your authorization to share your health information at any time. Simply notify in writing the FDP/HCU facility that has your authorization on file. Please understand that we may not be able to get back health information that was shared before you changed your mind.

FDP/HCU complies with federal laws that require extra protection for your health information if you receive treatment in an addiction treatment program, or from a psychotherapist.

SHARING YOUR HEALTH INFORMATION

There are limited situations when we are permitted or required to disclose health information without your signed authorization (permission). These situations include:

- **Business Associates.** There are some services that we provide through contracts with our business associates. In such situations, we may disclose your personal health information to our business associates so they can perform the job we asked them to do. We require all business associates to appropriately safeguard your information, in accordance with applicable law.
- **Notification of Family and Close Friends.** We may use or disclose your personal health information to notify a family member, personal representative or another person responsible for your care, provided you have the opportunity to agree

or object to the disclosure. If you are unable to agree or object, we may disclose this information as necessary if we determine that it is in your best interest based upon our professional judgment. In all cases, we will only disclose the health information that is directly relevant to that person's involvement with your health care.

- **Required by Law.** We may use or disclose your personal health information to the extent that we are required by laws to do so. The use or disclosure will be made in full compliance with the applicable law governing the disclosure.
- **Public Health Activities.** We may disclose your personal health information to a Public Health Authority authorized by law to collect such information for public health activities.
- **Health Oversight Activities.** We may make disclosures of your personal health information to a health oversight agency charged with overseeing the health care industry. Disclosures will be made only for activities authorized by law.
- **Judicial and Administrative Proceedings.** We may disclose your personal health information in the course of any judicial or administrative hearing in response to an order of a court of administrative tribunal, or in response to a subpoena, discovery request or other lawful process where we receive satisfactory assurance that appropriate precautions have been taken. In all cases, we will take reasonable steps to protect the confidentiality of your health information.
- **Law Enforcement.** We may disclose your personal health information for a law enforcement purpose to law enforcement officials in compliance with and as limited by applicable law.
- **Research.** We may use or disclose your personal health information without your authorization for research purposes when such research has been approved by an institutional review board that has reviewed the research to ensure the privacy of your personal health information or as otherwise allowed by law. No identifiable information will be disclosed without prior consent from you.
- **Victims of Abuse, Neglect or Domestic Violence.** We may disclose personal health information to a government authority regarding an individual whom we reasonably believe to be a victim of abuse, neglect or domestic violence, including a social service or protective service agency authorized by law to receive reports of child abuse, neglect or domestic violence. Any such disclosures will be made in accordance with and limited to the requirements of the law.
- **Limited Government Functions.** We may disclose your personal health information to certain government agencies charged with special government functions, as limited by applicable law. For example, we may disclose your health information to authorized federal officials for the conduct of national security activities, as required by law.
- **Coroners, Medical Examiners and Funeral Directors.** We may disclose personal health information to a coroner or medical examiner to identify a deceased person, determine a cause of death or for other duties as authorized by law. We may also disclose personal health information to funeral directors in accordance with applicable laws.
- **Health and Safety.** We may disclose your personal health information to prevent or lessen a serious threat to a person's or the public's health and safety. In all cases, disclosures will only be made in accordance with applicable law and standards of ethical conduct.
- **To a medical device's manufacturer,** as required by the FDA, to monitor the safety of a medical device.
- **Workers' Compensation.** We may disclose your personal health information in accordance with workers' compensation laws.

OTHER INFORMATION ABOUT PROTECTING YOUR PERSONAL HEALTH INFORMATION

Any sharing of your health information other than as described in this notice requires your written authorization. For example, we **WILL NOT** use your health information unless you authorize us in writing to:

- Share any of your psychotherapy notes, if they exist, with a third party;
- Share any of your health information with marketing companies; or
- Sell any of your health information.

We may change this privacy notice at any time and we may use new ways to protect your health information. Our current privacy notice is posted in our clinics and in the facilities we utilize and on our website at health.utah.gov/clinics.

This notice of privacy practice describes the practices of FDP/HCU and of FDP/HCU's employees and volunteers working at any of our facilities. This notice also describes the privacy practices of affiliated health care providers – who are not employees of FDP/HCU – while treating you in a FDP/HCU facility, unless they provide you with a notice of their own privacy practices. (For more information about the specific privacy practices of affiliated providers, please contact them directly.)

Our Privacy Officer can help you with any questions or concerns you may have about the privacy of your health information. They can also help you fill out any forms that are needed to exercise your privacy rights.

CONTACT US

If you are concerned that your privacy rights have been violated, or disagree with a decision that we made about access to your health information contact:

Butch Luers
FDP Privacy Officer
Office: 801.273.6642
Email: bluers@utah.gov
<http://health.utah.gov/clinics>

Rett Hansen
HCU Privacy Officer
Office: 801.626.3671
Email: retthansen@utah.gov
<http://health.utah.gov/clinics>

We will investigate all complaints and will not penalize or treat you any differently for filing a complaint. You may also file a written complaint with the Office of Civil Rights of the U.S. Department of Health and Human Services. Upon request, the Privacy Officer will provide you with the information needed to file your complaint.